

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:	)	Chapter 9
	)	
CITY OF DETROIT, MICHIGAN,	)	Case No. 13-53846
	)	
Debtor.	)	Hon. Steven W. Rhodes
	)	
	)	

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***EX PARTE* MOTION FOR SHORTENED NOTICE AND  
EXPEDITED HEARING REGARDING THE MOTION OF THE  
GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT TO  
DESIGNATE AND DETERMINE ADDITIONAL LEGAL ISSUE  
REGARDING METHODOLOGY FOR ASF RECOUPMENT FROM  
RETIREES**

The General Retirement System of the City of Detroit (the “GRS”) submits this *Ex Parte* Motion (the “Motion”) pursuant to 11 U.S.C. § 102(1)(A), Rules 2002(m), 9006(c) and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and E.D. Mich. LBR 9006-1(b) for entry of an order shortening the applicable notice period on the Motion of the General Retirement System of the City of Detroit to Designate and Determine Additional Legal Issue Regarding Methodology for ASF Recoupment from Retirees (the “ASF Recoupment Methodology Motion”), setting an expedited hearing on the ASF Recoupment Methodology Motion, and for related relief. In support of this Motion, the Retirement Systems respectfully state as follows:

### **Bases for Relief**

1. The legal bases for the relief requested herein are section 102(1)(A) of the Bankruptcy Code, Bankruptcy Rules 2002(m), 9006(c), and 9007, and E.D. Mich. LBR 9006-1(b). Pursuant to Bankruptcy Rule 9006(c), the Court may, for cause shown, reduce the time for performance of any act required by the Federal Rules of Bankruptcy Procedure and any applicable period for notice thereof. Pursuant to E.D. Mich. LBR 9006-1(b), a party may move for, and the Court may enter, an *ex parte* Order reducing the time for a party to take any action or file any paper. Section 102(1)(A) of the Bankruptcy Code and Bankruptcy Rules 2002(m) and 9007 grant the Court broad authority to regulate the form and manner of notice of hearings.

### **Background and Relief Requested**

2. As discussed in the ASF Recoupment Methodology Motion, the GRS submits that retirees who are subject to ASF Recoupment<sup>1</sup> should have the option to pay their Recoupment Amounts in one lump sum, if they so choose, much like active employees.

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the ASF Recoupment Methodology Motion.

3. GRS submits that this is a discrete legal issue that should be similarly resolved independent of and prior to the Plan confirmation trial—specifically, whether the City can compel retirees to pay their Recoupment Amounts over time with 6.75% interest and deny them the ability to satisfy such obligation in a lump-sum payment within 90 days, or such other reasonable period of time, after the Effective Date of the Plan.

4. The GRS can and does represent to this Court that numerous members of its constituency have raised concerns about this issue and indicated that the outcome could be a deciding factor as to whether they will vote in favor of the Plan.

5. Good cause exists for shortening notice of and expediting the hearing on the ASF Recoupment Methodology Motion because the Voting Deadline is July 11, 2014 and the Court's resolution of the ASF Recoupment Methodology Motion may impact whether those Holders of Claims subject to ASF Recoupment vote in favor of or against the Plan.

6. Due to the potentially significant impact of this issue on the Plan voting by GRS retirees, GRS submits that this is an urgent issue warranting expedited consideration at the scheduled hearing on June 26, 2014, or, alternatively, at any time prior to June 26, 2014 as the Court's schedule may allow.

7. For these reasons, the GRS submits that good cause exists for shortening the notice period and scheduling an expedited hearing on the ASF Recoupment Methodology Motion for June 26, 2014.

8. The GRS proposes that the: (i) Order entered pursuant to this Motion and (ii) ASF Recoupment Methodology Motion be served via the CM/ECF system upon all parties requesting ECF notice in this case.

9. The GRS submits that such service and notice is appropriate and sufficient under the circumstances.

WHEREFORE, the GRS requests that the Court enter an Order substantially in the form attached hereto as Exhibit A, and grant such other and further relief as the Court deems just and proper.

CLARK HILL PLC

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Dated: June 20, 2014

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# EXHIBIT A

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:	)	Chapter 9
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CITY OF DETROIT, MICHIGAN,	)	Case No. 13-53846
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**ORDER GRANTING *EX PARTE* MOTION FOR SHORTENED NOTICE  
AND EXPEDITED HEARING REGARDING THE MOTION OF THE  
GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT TO  
DESIGNATE AND DETERMINE ADDITIONAL LEGAL ISSUE  
REGARDING METHODOLOGY FOR ASF RECOUPMENT FROM  
RETIREEES**

This matter comes before the Court on the *Ex Parte* Motion (the "Motion") for Shortened Notice and Expedited Hearing Regarding the Motion of the General Retirement System of the City of Detroit to Designate and Determine Additional Legal Issue Regarding Methodology for ASF Recoupment from Retirees (the "ASF Recoupment Methodology Motion"); the Court having reviewed and considered the Motion and finding that good cause exists for granting the relief in this order;

IT IS HEREBY ORDERED that:

1. The Motion is granted.

2. A hearing on the ASF Recoupment Methodology Motion will be conducted on June \_\_, 2014 at \_\_:\_\_ a.m./p.m., in Courtroom 100, United States District Court, 231 W. Lafayette, Detroit, Michigan 48226. Any responses to the ASF Recoupment Methodology Motion must be made in writing and filed with the Court and served on counsel for the General Retirement System and counsel for the City on or before June \_\_, 2014 at \_\_:\_\_ a.m./p.m.